The Planning Inspectorate

Appeal Decision

Site visit made on 2 June 2020

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2020

Appeal Ref: APP/D1265/W/20/3246200
52-54 Station Road, Swanage BH19 1AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mrs Sehriban Koc against the decision of Dorset Council.
- The application Ref 6/2019/0574, dated 14 October 2019, was refused by notice dated 19 December 2019.
- The development proposed is formation of 3rd floor flat.

Decision

1. The appeal is dismissed.

Procedural Matter

2. On 1 April 2019, Purbeck District Council ceased to exist and became part of a new Unitary Authority known as Dorset Council. The development plans for the merged Local Planning Authorities will remain in place for the area within the new Unitary Authority they relate to until such time as they are revoked or replaced. I shall therefore determine the appeal having regard to the policies set out within the Purbeck Local Plan Part 1 (LPP1), which was adopted in November 2012.

Main Issues

3. The main issues are the effect of the proposal on:

   - The living conditions of the neighbouring occupiers of Railway House, with particular regard to outlook and daylight; and
   - The living conditions of the future occupiers of the development, with particular regard to outlook, daylight and sunlight.

Reasons

Living conditions – Neighbouring occupiers of Railway House

4. Located within Swanage town centre, the appeal building is a large three-storey property comprising commercial premises at ground floor level with flats above. The appeal building projects significantly to the rear along the boundary shared with Railway House. There are several windows serving habitable rooms on the rear elevation of this neighbouring property, which are immediately adjacent to and significantly recessed in relation to the appeal building. The existing outlook from the windows in the rear elevation of this neighbouring building is already severely restricted.

5. The appellant sought to address the concerns raised by the Inspector as part of two previous appeals[1] for a similar development proposal. In particular, the appeal scheme would include a pitched roof element within proximity to the third floor window on the rear elevation of Railway House, to reduce the overall bulk of the extension, and so that it would not appear flush with the existing wall.

6. However, by reason of its height and depth relative to the position of the existing second and third floor windows situated on the rear elevation of Railway House in particular, the proposed roof extension would have a significant adverse impact on the outlook from these openings. Despite the sloping nature of the proposed pitched roof, the additional built form would be oppressive and overbearing, particularly as it would exacerbate the sense of enclosure already affecting the windows in the recess of this neighbouring building.

7. Due to the orientation of the rear elevations of the appeal site and adjoining properties, the amount of direct sunlight received by the existing windows is presently restricted, notably by reason of the proximity and depth of the appeal building. The limited light would be further reduced by the overall bulk of the proposal, to the detriment of the living conditions of these neighbouring residents.

8. For these reasons, the proposal would have an adverse effect on the living conditions of the neighbouring occupiers of Railway House, with particular regard to outlook and daylight. It would therefore fail to accord with Policy D of the LPP1 which, amongst other things, seeks to ensure that development proposals avoid and mitigate effect of overshadowing, overlooking and other adverse impacts including light pollution from artificial light on local amenity. The appeal scheme would also be contrary to paragraph 127 of the National Planning Policy Framework (the Framework), which requires new development to provide a high standard of amenity for existing and future users.

Living conditions – Future occupiers of the development

9. The proposed accommodation would benefit from a number of windows to the front elevation, which would serve two of the bedrooms and an en-suite bathroom. Several high-level rooflights are proposed for the lounge and kitchen areas, as well as windows to the rear elevation, with access onto a large roof terrace. The outlook from bedroom 2, which would be solely served by a rooflight, would be restricted. However, the overall space, outlook and daylight levels within the proposed flat would compensate for the deficiencies of bedroom 2, which would appear secondary in nature.

10. Overall, the proposal would provide satisfactory living conditions for the future occupiers of the development, and I therefore find no conflict with Policy D of the LPP1, paragraph 127 of the Framework and paragraph 126 of the National Design Guide, which seek to promote quality of life for the occupants and users of buildings, through good design.

Other Matters

11. The appeal site lies within the Swanage Conservation Area. The Council consider that the effect of the proposal on this designated heritage asset would

[1] APP/B1225/W/18/3194776 and APP/B1225/W/18/3205933.

be acceptable. Based on the evidence before me, I concur with this view and find that the proposal would preserve the character and appearance of the Swanage Conservation Area.

12. The appeal site lies within the Dorset Area of Outstanding Natural Beauty (AONB). Paragraph 172 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. As the proposal relates to a site located within the built envelope of Swanage, I consider that the proposal would preserve the landscape and scenic beauty of the Dorset AONB.

13. A number of concerns have been raised by interested parties, notably in respect of the effect of the development on the living conditions of other neighbouring occupiers and the lack of car parking provision. The Council did not however refuse the planning application on these grounds, and there are no reasons for me to take a different view.

Conclusion

14. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR